



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION

New York Office
201 Varick Street
New York, NY 10014

August, 13, 2008

Newmark Realty, Inc.
New York, NY

NOTICE OF UNLICENSED OPERATION

Case Number: EB-08-NY-0281
Document Number: W200832380074

The New York Office received a complaint of interference from an FCC licensee that you may have operated an unlicensed radio station on the frequency 466.225 MHz at the Flatiron Building, 175 5th Avenue, New York, NY 10010. On July 28, 2008, an agent from this office conducted an inspection and found the following frequency being used at your location: 466.225 MHz. Radio transmitting equipment, including broadcast stations, must be licensed by the FCC.

The only exception to this licensing requirement is for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's rules. For example, Section 15.239 of the Commission's Rules permits non-licensed operation of broadcast stations that transmit on a frequency between 88 and 108 MHz to operate at a field strength of 250 μ V/m as measured at a distance of three meters from the transmitting antenna. Different field strength limits apply to stations operating on other frequencies. The Commission's records show that no license was issued for operation on this frequency at this location.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* Thus, this station is operating in violation of 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Daniel W. Noel
District Director
New York Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", July 2003